

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Empowering Consumers to Avoid Bill Shock)	CG Docket No. 10-207
)	
Consumer Information and Disclosure)	CG Docket No. 09-158

Notice of proposed rulemaking

COMMENTS OF SEAN R. MURPHY,
case of AT&T \$9100 mobile bill shock (\$200/min. data)

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January 9, 2011

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**REPLY COMMENTS OF SEAN R. MURPHY,
*case of AT&T \$9100 mobile bill shock (\$200/min. data)***

I. INTRODUCTION AND SUMMARY

I have been a family plan five-phone customer of AT&T wireless for two years, and recently experienced Bill Shock for \$9100 of international wireless data on my teenage son's phone for a single 45 minute event of data consumption (> \$200 per minute). I read AT&T's July 19 reply comments in this proceeding with great interest, and I found that my experience was not well represented.

I respectfully urge the Federal Communications Commission ("FCC") to provide regulation of wireless carrier account management features, in consideration of deficiencies and inconsistencies in the available consumption monitoring tools. The self regulatory approach of industry has proven inadequate, evidenced by this example herein, along with the other reported instances of "Bill Shock", and the ubiquitous smaller billing surprises we have all encountered from time to time. Wireless carriers claim additional regulation will "stymie better solutions" and "freeze further improvements"¹; However, this paper demonstrates that continued improvements in service bandwidth and device consumption capabilities will yield even larger Bill Shock, again demonstrating the urgent need for regulation.

The proposed regulations as filed in the Federal Register do not go far enough; The required "timeliness" of usage information needs to be clearly pinned down. Additionally notifications may be in a poorly understood language, may not be noticed, and may not even be delivered. It creates a "customer's word" vs the "company's word" in any disagreement over delivery of a notification. AT&T does not log company provided text messages or calls to customer service in customer detail billing, which removes customer visibility and logged proof of notifications. The most protective approach from a consumer perspective is to require carriers to temporarily suspend service when a "cap" or limit is reached. Notifications are helpful, but the cap is solid. Any overage beyond the cap is not the customers responsibility unless specifically authorized by the customer. This removes burden from the already powerless customer.

¹ See, e.g. *Reply Comments of AT&T Wireless*, July 19, 2010, p. 8 *Conclusion*.

My Bill Shock incident follows, which illustrates deficiencies in provided tools, and difficulty in recovering money.

II. TIMELINE SUMMARY

The following timeline summarizes the bill shock events of the author's incident. A more detail breakdown can be found in Appendix A of this document.

05-02-2009	got the phone
05-22-2009	\$20 minor shock kid bought stuff he shouldn't have
05-22-2009	\$223 shock learned internet messaging is not part of data plan
03-26-2010	kid surfed 50MB data
05-01-2010	\$100 shock discovered the 50MB surf
05-01-2010	blocked the data
06-06-2010	Unblocked the data, added unlimited data plan
07-17-2010	Teen Arrived in Guatemala; no roaming warning
07-26-2010 09:39AM	Text message rcvd - phone works as it does at home
07-30-2010	Teen websurfed 5 or 10 minutes.
07-30-2010 05:56PM	Teen dialed *DATA# to determine usage
07-30-2010 05:57PM	Teen received msg <i>Data (MB): 0 of Unlimited</i>
07-30-2010 06:53PM	Teen watched approx 45 minutes of youtube
07-31-2010 07:24AM	Teen received msg, "...service was suspended" after 12 hours
07-31-2010 08:53AM	Teen received text message "...International Data (MB) Overage: 456.1"
08-08-2010	Called customer service, BILL SHOCK, \$9110.45.
08-28-2010	Received bill including \$9110.45 charge
08-30-2010	Filed request for adjustment, got case# assigned
09-07-2010	AT&T approved adjustment of \$9110.45
09-12-2010	AT&T restored service to the phone, blocked data per request.
09-26-2010	New bill, \$499.99 adjustment, unexpected charge
09-26-2010	Customer service said \$499.99 was retroactive 500MB data plan
10-15-2010	Requested adjustment of the \$499.99, on following basis: - no international data indication on my statement; - no warning text message; - never requested data roaming; - never was told data roaming would enable when I terminated the data block 6 months earlier
10-16-2010	Filed Complaint with FCC
10-19-2010	AT&T denied the \$499.99 adjustment, and stated, "...if I didn't pay the \$499.99, I would be liable for the full \$9110.45
10-25-2010	Sent Notification of Dispute to AT&T
11-08-2010	AT&T sent receipt of dispute notification
11-12-2010	discussed w/ Washington State Attorney General's office
11-16-2010	AT&T issued settlement offer for the \$499.99
12-6-2010	AT&T called for followup on offer
12-10-2010	Reached agreement, received credit. (4 months elapsed)

III. INTERNATIONAL DATA COSTS CAN EXCEED \$200 PER MINUTE

The combination of data services, video capable wireless devices, and international roaming capabilities have created a scenario for extremely rapid creation of very large bills. In July 2010, my teenage son incurred \$9100 of charges by watching 45 minutes of YouTube video on his telephone, while in Guatemala.² This fourteen year old boy's phone was consuming service at the rate of \$3 per second, \$200 per minute, \$12,000 per hour³, and could have exceeded \$168,000 by the time AT&T disabled the service more than 14 hours later⁴. To ensure he would not be charged, he first used a usage tool after a small amount of web surfing to assess costs, then determined the service was part of his unlimited data plan, and proceeded to use the service. No roaming notification message was received, no confirmation dialog box warning of fees, there was no warning of any kind prior to viewing the video. The first negative notification was 14 hours later, announcing a 456 Megabyte international data "overage".⁵

There is no other service available to consumers that is capable of incurring costs at a similar rate. AT&T compared likelihood of Bill Shock in wireless service to that of an electricity, gas, or credit card bill.⁶ A substantial difference is that my house cannot consume gas or electricity or any other service at a rate of \$200 per minute, or if it did, it would require a fire department response and be visible for miles.⁷ As for credit cards, the regulation of that industry has thankfully resulted in a situation where nearly all transactions involve interactive acknowledgement of the amount being charged. This is in contrast to the wireless industry that provides cell phones for children that function as the virtual equivalent of an unlimited credit card linked to their parents account.

² AT&T subsequently agreed to retroactively place me on a data plan that would reduce this to \$499.99, but then refused further adjustment requested on the basis this service was never requested, nor was notification of provision of the service ever provided. After filing notice of dispute and an hour long discussion with the customer appeals manager in the AT&T legal department, I obtained the last \$499.99 of reimbursement.

³ Viewed a YouTube video that consumed approximately 10 Megabytes of data per minute

⁴ Fortunately he went to bed after watching only 45 minutes of video (\$9100)

⁵ No mention is made that alerts are not punctual in *Reply Comments of AT&T Wireless*, July 19, 2010

⁶ See, e.g. *Reply Comments of AT&T Wireless*, July 19, 2010, p. 2

⁷ \$200 of natural gas per minute = 333 therms @ \$0.60 per therm = 33 thousand c.f. per minute = 47 million cu.ft. per day, which is enough to supply 43,000 homes with .

IV. TOOLS TO MANAGE INTERNATIONAL DATA ARE INADEQUATE

A. No Alert Provided of International Roaming Or Increased Rates

When my son arrived in Guatemala, he received a text message on his AT&T phone from the local Guatemala carrier ‘Claro’, announcing that his phone would work just like it did at home.⁸ He never received any text message from AT&T warning of increased rates for voice or data because he was roaming, even though he used his phone in Guatemala for 5 days prior to the incident. Either AT&T never sent any alert⁹, or the global network is deficient and unable to reliably provide SMS alerts¹⁰. It appears that toolsets are not yet adequate for consumers to rely on text message notification of consumption / fees.

B. Overage Alert Was Provided 14 Hours Late

Latency of data consumption collection in my situation appears to have exceeded 14 hours based upon the fact the SMS alert of an overage condition was received 14 hours after the incident.¹¹ Over \$168,000 in fees could have been be racked up in this time period, or even more the video was hi-def and the network and device bandwidth permitted it. Attempts to reproduce this rate of consumption at home after the fact were stymied by sluggish response times in the *DATA# tool at home.¹² These latencies in data collection are examples of inadequacy of current available tools preventing Bill Shock.¹³

C. Language of Alert Notification Can be an Issue

Language of notification messages are a real issue; our teenage foreign exchange student spoke little english when he arrived; we got a small bill shock that month, when we learned he accidentally purchased some things. He couldn’t read the “are you sure” prompts, and purchased a few things it was obvious he didn’t want. If he had received a critical usage consumption alert in English, he would not have understood it.¹⁴

⁸ Figure C-2. Message was: “Claro Guatemala informs you that you can dial voice mail and customer care as you do at home. For Emergency Services dial 112. Set Name: MMS-TIGO Multimedia Message Server URL <http://mms> Bearer Type: GPRS Access Name: mms.tigo.gt 9:39AM Mon, Jul 26 [2010]”

⁹ Comments of CTIA, July 6 2010, p6 indicates AT&T, unlike some other carriers, does not provide international alerts.

¹⁰ Wifes phone number nnn-xxx-2418 on the same AT&T account did receive a notification message upon entry to Guatemala 3 days prior to the when the disputed line entered Guatemala.

¹¹ AT&T international customer services representatives advised me in October that it typically takes at least 3 to 6 hours for their system to collect international data use, or sometimes even more [14 hours for SMS notification in my case]. For voice services (\$1 per minute) this isn’t so bad, but for wideband cellular IP data services (>\$200 per minute), this delay is inadequate for charges that might occur.

¹² Watched video with this same phone on Dec 18,2010 and the data consumption did not show in response to *DATA# for at least an hour after watching the video. Checked again 12 hours later, and the consumption was then visible. Latency was between 1 and 12 hours in this one sample, for domestic data.

¹³ On the iphone, a change in the data plan renders the ATT “myWireless” app useless for data monitoring until the next billing cycle, although *DATA# appears to still work.

¹⁴ It would seem the current system discriminates against people disadvantaged by education or language. Many people are impoverished, and lack the education, language or skills to get relief from Bill Shock.

D. Misleading or Inaccurate Data provided by Tool

Accuracy and intelligibility of the notification message was another issue; Immediately following some web page use, when my son used the monitoring tools to attempt to assess his usage while in Guatemala, he received an SMS response that indicated his data use was zero, containing the words "...Data...Unlimited..." without the word "international" anywhere in the message, and no suggestion of increased rates.¹⁵ This misleading message helped precipitate the Bill Shock incident as he then believed his plan at home applied abroad; after all, five days earlier, he received another text message from "Claro" suggesting his phone would work just like in the US. Note that the first time the word "international" appeared in any AT&T text message, was in the overage notification 14 hours AFTER the incident.¹⁶ Units used in the notification text message (MB) are inconsistent with units used on the billing web site (KB) and in the phone bill (KB). This is confusion favoring the company not the customer if the customer misinterprets the text message. Bill Shock x1024 for someone in the making.

E. No Tool Available To Cap International Data Use

AT&T does not provide an ability for a customer to specify a volume restriction "cap" on international data use. If your phone can roam internationally and you have domestic data capability, then you implicitly have unlimited international data 'overage' available. AT&T does not provide any capability for a customer to block international data roaming from their phone. The only way I can block international data roaming on my son's phone is to have AT&T put a "data block" on his phone, which then also blocks all of his domestic data use, rendering his smart phone into a dumb phone. I can disable international roaming on his phone, but that defeats the purpose of giving him a phone for safety and contact. AT&T does have an unpublicized internal 50 Megabyte cap upon which all data service is suspended, but the 14 hour? data collection latency renders this feature useless.

F. No Tool Available That Limits Data Rate

Lack of data rate (or bandwidth) restrictions exacerbates the Bill Shock problem. There is no conceivable reason I need my son's phone to consume data at a rate of **\$200 per minute (or 10MB/minute)** when he is international¹⁷. A bandwidth restriction would slow the rate that the telephone can consume data. For example, such a restriction could reduce his consumption from the 10 Megabyte (\$200.00) per minute rate to a 0.005

¹⁵ See Figure C-4. Message received was: "Next Bill Cycle: 08/23/2010 Data (MB): 0 of Unlimited Messaging: 588 of unlimited 5:57PM Fri, Jul 30 From:104"

¹⁶ Message received was: "Next Bill Cycle: 08/23/2010 Data (MB): 0 of Unlimited Messaging: 682 of Unlimited International Data (MB) Overage: 456.1 8:53AM Sat, Jul 31 From: 104"

¹⁷ AT&T's legal department indicated they were puzzled by the data rate consumption of the phone and said there may have been an error. The son was able to select from "normal-def" or "high-def" video, and selected "high-def". Attempted to reproduce consumption rate at home on different videos, but gave up because *DATA# tool latency was over an hour for each test. Did not see an option in the phone for local display of data consumed, again the tools are inadequate.

Megabytes (\$000.10) per minute rate for a much more reasonable bill. No such tool is available. It appears carriers are expanding services, capabilities, and bandwidth faster than the tools can keep up. AT&T has made no mention of a plan for tools to limit volume or rate of consumption of their international data product¹⁸.

G. No “Are You Sure” Dialog For Transactions Costing \$200 Per Minute

Whereas most credit card transactions have a “Are you Sure?” dialog box, any transactions conducted on the cell phone that are unusual, or will incur substantial costs, should require positive confirmation. There apparently is no tool for this.

H. No Tool Provided that could have prevented this \$9100 bill shock.

AT&T provides no tool that is guaranteed to protect the consumer from a \$9100 bill or any other bill maximum specified. If someone’s phone application or phone goes haywire, or if they butt dial¹⁹ a video while internationally roaming they are virtually guaranteed to get Bill Shock. The closest such tool provided (scarcely a tool) requires the consumer to call AT&T for a “data block” prior to leaving the country, and to call again to request removal of the “data block” after return.²⁰ Failing to request addition of the data block renders the consumer vulnerable to tens of thousands of dollars in fees. Failing to request removal of the data block upon return renders all of the phones data capabilities non functional. This represents undue burden on the consumer.

I. Pre-Paid Cost Capping Tools Not Extended to Common Plans

Pre-paid plans tap the segment of the wireless market that does not have sufficient credit to otherwise pay for cell phone service. Pre-paid plans function as “capped” plans where consumers cannot spend more than they have, limiting risk of collecting payment from consumers with poor credit. It appears providers have implemented a business model maximizing shareholder return, by placing/permitting caps on pre-paid plans, while denying caps on other plans more desirable to more payment capable consumers. While pre-paid plans obviously implement a “cap”, AT&T does not offer this same service on other plans. AT&T says that if consumers want a cap [ie to avoid the \$9000 surprise], they should switch to pre-paid.²¹ Regardless, notification tools should be extended to pre-paid phones as well, to protect consumers.²²

¹⁸ See, e.g. *Reply Comments of AT&T Wireless*, July 19, 2010,

¹⁹ A slang expression for sitting on your phone while it is in your pocket and randomly mashing buttons.

²⁰ As explained by AT&T customer service advice on October 18, 2010, there is no other method to disable international data use from the network. Note it took 45 minute call w/ cust svc to remove the data block in December (unsuccessful), a 15 minute call w/ tech support(unsuccessful), and finally a drive to the store to find someone to remove the data block. This is not a convenient solution.

²¹ See, e.g. *Reply Comments of AT&T Wireless*, July 19, 2010, p. 8

²² Pre-paid phones are most popular with those that can afford service the least, for this same reason; thus protection of this class of people is even more important, and it is critical to extend to them the same protections available to others that are able to afford conventional plans.

J. Bill Shock Will Continue to Get Worse Without Adequate Tools

Consumer popularity of Hi-Definition video, more data intensive applications, and higher performance devices, will only result in increased bandwidth consumption, increasing the magnitude of Bills, particularly when international roaming data is involved.

V. BILLING CONFUSION CONTRIBUTES TO BILL SHOCK

AT&T bill does not identify “wireless data roaming” as a feature.²³ The AT&T bill does not identify “wireless data roaming” as a feature that is provided. In fact, the phrase “international data” or “data roaming” does not appear anywhere in the list of services provided. The list of services that appears in the bill is an obscure list of acronyms and phrases²⁴ that are not defined in the bill, or on the on-line help web-site.²⁵ FCC requirements for clear text descriptions of charges²⁶ do not appear to extend to services and features. This lack of awareness of services increases possibility of Bill Shock. In my case I was unaware international data roaming was active on my account.

VI. NO CORPORATE SYMPATHY FOR BILL SHOCK

Lack of Industry Cooperation in this case of Bill Shock: For several months and appeals, AT&T refused to yield beyond retroactively putting me on a larger data plan, and continued to hold me accountable for the 479MB of data consumed in Guatemala, despite my presentation of their failure to disclose unrequested international data roaming service, and failure to inform me that international data consumption was being enabled when I removed the domestic data block. This contradicts the industry’s friendly appearance portrayed in comment filings. It is this rigidity that has compelled me to author this. While some might say I should be grateful for AT&T’s consideration to retroactively place me on a data plan reducing the \$9100 to \$499, I am also of the opinion that I should not have been initially charged \$9100 for what was only \$499 worth of data in the first place. And then to spend make 4 or more hours worth of calls to accomplish this reduction. Plus stress of what if they don’t reduce it.

²³ See example in Appendix D, Figure D-3

²⁴ This consumer is unable to explain the difference between the 10 different following different but similar sounding phrases found in his bill’s listing of services: *AT&T Home Toll; AT&T Roam Toll; ELA Toll; Expandedintlroam; Int’l Roaming; Intl Roam Toll includes Toll Domestic, Toll International; Off-Network Roam; StandardILD includes: Toll Domestic, Toll International*. AT&T customer service says non of these refers to international roaming data, which is different yet.

²⁵ Typing in “Bill Help” in the search box on AT&T wireless home gets you to the answer center “Where can I find more information about how to understand my wireless bill?” which has a link to a sample bill http://www.att.com/support_media/images/pdf/phone/Wireless_Bill_Sample.pdf which does not identify any of these terms as of the time of this document.

²⁶ USC Title 47 § 64.2401 Truth-in-Billing Requirements.

VII. CARRIER MARKETING POLICIES CONTRIBUTE TO BILL SHOCK

A. Unrequested feature responsible for Bill Shock

I never explicitly requested international wireless data roaming to be enabled on my son's phone. I didn't know it was enabled. If I did, I would have requested it to be disabled. My bill did not say it was enabled.²⁷ Though it turns out I can't disable just international data roaming, without disabling other things. The policy of defaulting features as "enabled" increases sales, but also increases Bill Shock. The fact that a popular feature (like data) cannot be easily disabled when the phone goes to very expensive places is an unfortunate coincidence that favors the carrier, not the consumer.

B. "Designer Contracts" are complex to understand

Carriers change calling plans nearly as often as the fashion industry changes designer clothing styles, to maintain consumer popularity and competitive position. These "Designer Contracts" of wireless carriers are exceedingly complex, contain many rules, and are difficult and time consuming for a consumer to understand, or even compare. The contracts are a minefield of "billable features", most if not all of which are delivered enabled, and many of which can explode into bill shock if one mis-steps.

This places a huge burden on the consumer. It matters when and where the button is pressed, which button is pressed, for how long, with who, which plan, which phone, and even which kid has the phone. The result is consumer confusion which in turn increases revenue for the carriers. Carriers with record revenues have entire departments dedicated to creating new rules and plans, while consumers are struggling managing jobs, dozens of bills, problems, and kids, and don't have time or energy to keep up with the latest designer cellphone contract.

C. Children Are the Largest Consumer Vulnerability to Bill Shock

Consumers need to provide their children phones for safety and contact. These phones are a minefield of many attractive pay features, and it is very difficult for consumers to manage, track, and monitor these features, especially when the tools are deficient [international data roaming]. Sometimes consumers must pay to disable the features, or simply disable all features to render their child's smart phone into a dumb phone.

Despite the fact that millions of the 292 million²⁸ phones in the US are in the hands of children²⁹, there are no regulations specifically addressing the provision of services on phones belonging to children. This again represents a huge burden on consumers and leads to incidents like the \$9100 Bill Shock herein.

²⁷ See list of services in my Bill in Appendix D, Figure D-3

²⁸ CTIA wireless quick facts http://www.ctia.org/media/industry_info/index.cfm/AID/10323

²⁹ <http://www.cmch.tv/mentors/hottopic.asp?id=70> says 60% of kids 10-14 and 84% of kids 15-18 have cell phones

VIII. CONCLUSION

International data roaming constitutes the single largest consumer vulnerability for Bill Shock, and it is not readily apparent that much is being done about it. Mention of Notification or Usage Tools for International Data Roaming were conspicuously absent in AT&T's filings, although many tools were touted for managing consumption of less expensive domestic services.

As the \$9100 Bill Shock experience described herein demonstrates, the tools currently available to consumers are inadequate for international roaming. If wireless carriers were going to resolve this situation, it would likely already be resolved, as the technology to route calls and data around the world in mere seconds is already in place today. Thus this situation is a clear case where regulation is appropriate.

The best solution for consumers and carriers is to give the consumer simple tried and true control. The credit card industry has done this for years; A maximum limit or "cap", at which point no more can be charged. SMS alerts are nice, but may be delivered late, not at all, might not be noticed, or may be in the wrong language. The currently proposed FCC rules do not require a limit or cap. The Bill Shock incident described herein could still occur with the proposed rules. The new regulation should require wireless carriers to provide a "cap" for all features/services, just like a credit card; and 'zero' should be an option for the limit, to allow disabling unwanted services.

Respectfully Submitted,

//s// Sean R. Murphy

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January 9, 2011

APPENDIX A – EVENT TIMELINE

05-02-2009	New wireless subscriber line
05-22-2009	\$20 minor shock kid bought mobile TV and he wasn't supposed to and we didn't know he could buy things with the phone. Spent several hours with customer service getting a credit, and then trying to block the purchases without blocking the data, never was able to get that to work. It would end up blocking his data.
05-22-2009	\$223 shock that foreign exchange student's messaging (not SMS) didn't use data plan data but was billed separate per message. AT&T resolved this retroactively by letting us sign up for the \$30 family data plan, but this took more time too, and was a surprise.
??	Data wasn't used much so took the data plan off the phone. This was fine for 6 months... then....
03-26-2010	kid surfed 50MB data overage domestic data = \$100
05-01-2010	\$100 Bill shock when we discovered about the overage
05-01-2010	called to have them add data block
06-06-2010	Teen paid up, unblocked the data, added unlimited data plan, \$10/month
07-15-2010 09:10PM	Wife went to Guatemala. Her line xxx-2418 on AT&T account did receive alert notification warning of increased rates upon entry to Guatemala. (no such notification received or issued for subject son's phone, demonstrating notification alert mechanism is unreliable)
07-17-2010	Teen arrived in Guatemala with the subject AT&T phone xxx-1393; no roaming warning text message was received.
07-25-2010	We left for Honeymoon in Belize, Central America
07-26-2010 09:39AM	Teen received text message from Claro Guatemala informing "...you can dial voice mail and customer care as you do at home."
07-30-2010	Teen websurfed 5 or 10 minutes.
07-30-2010 05:56PM	Teen dialed *DATA# to find out how much he used (time estimated)
07-30-2010 05:57PM	received text message indicating " <i>Next Bill Cycle: 08/23/2010 Data (MB): 0 of Unlimited Messaging: 588 of unlimited 5:57PM Fri, Jul 30 From:104</i> ". See Figure C-6
07-30-2010 06:53PM	Teen watched video (he says on youtube in hi-def 4 or 5 10 minute segments of an episode of "Lost" which has since been removed from youtube. 466,989KB of data transferred according to Bill (Figure D-2)
07-31-2010 07:24AM	received text message, " <i>Due to high international data usage your data service was suspended, including in USA. Call +1 405 286 7288, a free call to Customer Service. AT&T Free Msg 7:24AM Sat, Jul 31 From : 7535</i> " (note customer service says the note in the log says this was sent at 7:26 Eastern time)
07-31-2010 07:25AM	received email notice of excessive intl data and suspension received (time tag from email)
07-31-2010 08:53AM	received text message " <i>Next Bill Cycle: 08/23/2010 Data (MB): 0 of Unlimited Messaging: 682 of Unlimited International Data (MB) Overage: 456.1 8:53AM Sat, Jul 31 From: 104</i> "(Figure C-6).
08-01-2010	We returned to the US from Belize where we did not have phone service
08-08-2010	Called customer service, <u>found out cost would be \$9110.45.</u> Told to wait for current months' bill before filing a "high-level adjustment" request.
08-14-2010	Son returned from Guatemala with the AT&T phone

APPENDIX A – EVENT TIMELINE

08-18-2010	AT&T reviewed the line for high usage (according to AT&T records quoted by customer service)
08-22-2010	closing date of Statement showing \$9110.45 in international roaming data ³⁰
08-28-2010	AT&T called me now that new statement was available.
08-30-2010	We called AT&T, put to intl customer care, filed original dispute, got case# assigned
09-03-2010	Called AT&T to see if case resolved, not yet
09-07-2010	AT&T approved the adjustment of \$9110.45
09-12-2010	Called AT&T and learned that the \$9110.45 would be adjusted. Online balance indicated the \$9110.45 owed was gone. There was no indication of a \$499.99 data plan fee being applied. No one called to say it was resolved. We had to call and ask.
09-12-2010	AT&T restored service to the phone, and placed a data block, and removed phone from \$10.00 family data plan at my request.
09-15-2010	AT&T fully closed the case
	Received new Bill, requested adjustment
09-26-2010	Received new monthly statement, discovered a new \$499.99 adjustment, “One Time Charge – No Tax” (pg. 34 Sep bill).
09-26-2010	Called Customer service found out \$499.99 was adjustment for retroactively placing us on 500MB Intl Data plan (note, no-one ever told us this would happen. Of course no one told us the other 9110.45 adjustment happened, either; in each case we had to call and ask.)
10-10-2010	Drafted press release telling of incident, provided to Board of Directors of non-profit Guatemala Village Health for approval prior to publication
10-15-2010	Called Customer service (Teresa), opened case CM-20101016_13722001 for adjustment of the \$499.99, stating following basis: <ul style="list-style-type: none">- no international data indication on my statement- referenced truth-in-billing statute- was not told intl data roaming would enable when I terminated the data block- never requested data roaming- was going to go to small claims- would issue a press release to warn others of video peril.³¹
10-15-2010	Called Customer service, learned that my bill does not indicate that international data roaming is a provided feature; learned that voice and data roaming cannot be disabled independently.
10-15-2010	Called Customer service, learned from international customer care that it typically takes 3 to 6 hours to collect usage data that is international.
10-16-2010	AT&T created the adjustment request case requested the prior day
10-16-2010	Filed Complaint 10-C00254402 with the FCC
10-18-2010	Guatemala Village Health (non-profit) BOD approved use of the organization’s name in the press release as written
10-19-2010	AT&T denied the \$499.99 adjustment request
10-19-2010	Called AT&T and learned the request was denied, and was informed that [paraphrased] “...if I didn’t pay the \$499.99 that I would be held liable for the full \$9110.45”

³⁰ statement ending 8/22/2010 page 26, 467,202 KB of data for \$9110.45

³¹ Press release eventually issued, but not carried by media. <http://home.comcast.net/~sean.r.murphy/att>

APPENDIX A – EVENT TIMELINE

10-23-2010	Filed comment on FCC Proceeding Number 09-158 concerning this matter, posted on 10/25/2010 http://fjallfoss.fcc.gov/ecfs/document/view?id=7020918494
10-25-2010	Sent Notification of Dispute to AT&T via certified postal mail, return receipt to both the dispute address specified in the original contract, and the address specified on the web-site.
10-29-2010	AT&T signed return receipt on dispute notification provided to Lenox Park Blvd, article # 7010 1870 0002 5710 2346
11-05-2010	Date of AT&T response to notification of dispute, which included copy of “new Arbitration clause”. posted 11-08-2010.
11-10-2010	Received response to notification of dispute.
11-10-2010 09:00PM	Discovered that none of my calls to AT&T or text messages received from AT&T appear in the call log in my 90 page billing statement. I called AT&T “Cindy” to get help reconstructing the timeline above
11-11-2010	Submitted copy of Notification of Dispute for filing with my FCC complaint 10-C00254402 (log# CIMS00002860372)
11-12-2010	Spoke w/ Washington State Attorney General’s office, consumer protection, was told WA does not regulate wireless carriers, they provided links to local statutes, nothing useful found.
11-12-2010 05:15PM	Spoke w/ AT&T customer service “Purlay” to obtain specific date/time stamps of carrier notification text messages received while son was in Guatemala. She indicated the overage notification was sent at 7:26 Eastern time. She also indicated she could find no notes in the records of any text message warning of increased roaming rates going to my son’s phone. She did find something in the record for another line (-2418) on July 15, 2010 @ 21:10, but nothing for my son’s phone. This demonstrates a lack of maturity of notification tools.
11-16-2010	AT&T issued settlement offer for the \$499.99, which they wanted me to sign a statement that made it sound like it was completely my fault. I did not want to sign this.
12-6-2010	AT&T called for followup on offer
12-10-2010	Reached verbal agreement that I did not need to sign the admission of fault
12-10-2010	499.99 (the last of the \$9100) was credited to my account. (4 months elapsed after learning of the issue)
12-17-2010	Tried to unblock data on the phone. 45 minutes with customer service and 15 minutes with tech support didn’t do it, they told me to go to the att store.
12-18-2010	went to AT&T store to unblock data. Took them 5 minutes and it worked.

NOTIFICATION OF DISPUTE

To: AT&T,
BILL DISPUTE, SUITE 1400,
5565 Glenridge Connector,
P.O. BOX 16,
ATLANTA, GA 30342

October 25, 2010

This notification is provided in accordance with the terms of service, identified during online activation of the account referenced below, on April 21, 2009.

This letter constitutes notification of dispute with respect to the bill containing international data roaming charges that were logged on July 30, 2010, and dispute of any other charges, fees, taxes, adjustments or other debits or credits that are directly related to this incident, including any late fees already assessed, or late fees and taxes thereof not even assessed yet as of this date, that are associated with the amount specifically related to the international data roaming incident on the aforementioned date.

As the more recent terms of service as posted on the AT&T wireless website do identify a different procedure for notification of dispute, and it is not immediately clear to the undersigned as to which terms of service actually constitutes the agreement in effect at this time for this account, the undersigned is taking the prudent action of providing notification via both mechanisms. Thus a copy of the other notification is attached to this form.

For purposes of this dispute, the primary place of use (PPU) for this account is the account holders address as identified for the undersigned below.

Account Holder: Sean Murphy
Account Number: 298037735097

Disputed amount: \$9,110.45 in usage charges for 206-696-1393 from 8/22/2010 statement, and \$499.99 related adjustment from 9/22/2010 statement, and any other related taxes, fees, interest or surcharges.

Basis of dispute: See attachment 1.

Respectfully submitted,

Sean Murphy
[Signature]
[Signature]
[Signature]
[Signature]

ATTACHMENT

BASIS OF DISPUTE

- ☑ The petitioner never requested international data roaming to be enabled.
- ☑ The AT&T bill does not identify international data roaming as a service provided, thus the petitioner was unaware of the service provided.
- ☑ The AT&T bill, in this respect, does not comply with USC Title 47 § 64.2401, which states [emphasis added] *“Charges contained on telephone bills must be accompanied by a brief, clear, non-misleading, plain language description of the service or services rendered”*.
- ☑ Several months earlier when the petitioner removed the data block, and signed up for the “family data unlimited” plan over the telephone, AT&T did not explain that this action also enabled international data roaming.
- ☑ The tools provided by AT&T for monitoring and managing services which were used by the minor at the time of the incident were both misleading and inadequate, directly leading to incurrance of the fees disputed.
- ☑ The provision of a service that incurs charges at the rate of \$20 per minute with no specified upper limit or restriction, and with no confirmation dialog box, provided on a family plan phone issued to a minor, and then to hold the parent legally responsible, is abominable. This is the equivalent of slipping an unrequested credit card to a minor, with no credit limit, and no means for a parent to regulate the spending. (note the \$9,100 was incurred by watching 45 minutes of video).
- ☑ Customer service advised the petitioner that the 2nd adjustment request, which was denied stated {approximately; this was not provided in writing}, “refusal to pay the \$499.99 will result in the entire original amount [\$9,100] being due”. This is stunningly insulting.
- ☑ This incident clearly constitutes Bill Shock as outlined in FCC Proceeding CG Docket No. 09-158; while there is no law against Bill Shock, this dispute non-the-less stands in sharp contradiction to AT&T comments filed against said docket on both July 6, 2010, and July 19, 2010, which essentially assert that any Bill Shock is the customer’s fault.

Error: Should read \$200 per minute

APPENDIX C – RECEIVED NOTIFICATION MESSAGES



Figure C-1 – the \$9100 phone.

The Media Net button cost roughly \$200 per minute in Guatemala, though AT&T questioned that this consumption rate may have been an error.

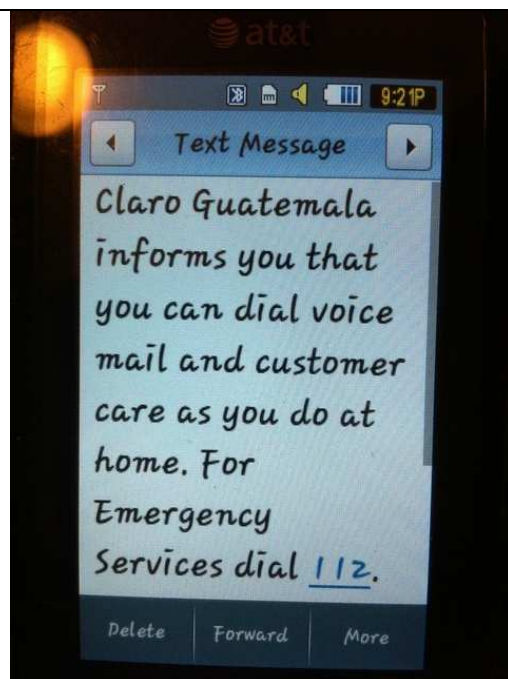


Figure C-2 – local carrier message added to teenager's confusion that his unlimited data plan would work here too.

No Text Message was received on this phone that warned of increased fees.

Figure C-3 AT&T notification of international roaming fees

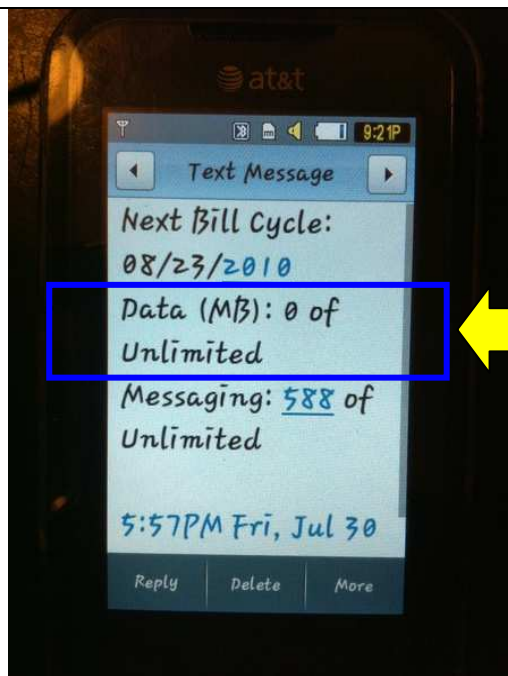


Figure C-4 - Misleading response to #DATA* dialed after international web surfing in Guatemala. Note word "unlimited".

APPENDIX C – RECEIVED NOTIFICATION MESSAGES



Figure C-5 – suspension notification message

More than 12 hours after the \$9100 video.

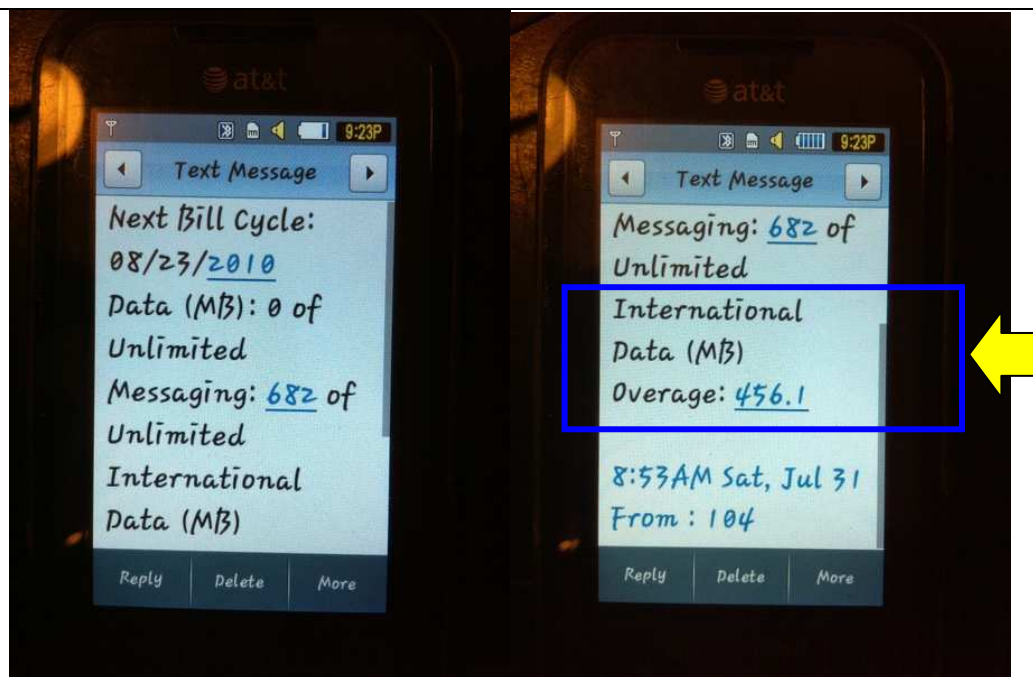



Figure C-6 (2 photos) – overage notification (scrolled down in 2nd photo). Note new appearance of “International” not seen in Figure C-4 notice. Also note units (MB) inconsistent w/ web site and bill rates shown in Figure D-2 (KB).

APPENDIX D – BILL SHOCK PHONE BILL



How to Contact Us:

- 1-800-331-0500 or 611 from your cell phone
- For Deaf/Hard of Hearing Customers (TTY/TDD) 1-866-241-6567

Statement Date: 07/23/10 - 08/22/10

Account Number: 298037735097

Wireless Numbers with Rollover

206-200-████	-
206-200-████	-
206-708-████	-
253-653-6522	-
206-696-1393	-

Previous Balance	\$396.97
Payment Posted	\$-396.97
Adjustments	\$-26.00
CREDIT BALANCE	\$-26.00
Monthly Service Charges	278.92
Usage Charges	9180.34
Credits/Adjustments/Other Charges	0.01
Government Fees & Taxes	26.67
TOTAL CURRENT CHARGES	\$9485.94
Due Sep 17, 2010	
Late fees assessed after Sep 22	
Total Amount Due \$9,459.94	

Add a Line with Family Talk from AT&T

FamilyTalk(R) plans start at just \$69.99/month including 700 Rollover Minutes. Add up to three additional lines for only \$9.99 each. Sign up now by calling 800-449-1672 or visit ATT.COM/ADDALINE

Figure D-1. An example of Bill Shock.
 Good thing he only watched 45 minutes of video.

APPENDIX D – BILL SHOCK PHONE BILL

Data Detail											206-696-1393
User Name:											
Rate Code: MSG4=FAMILY MSG UNLIMITED											
Rate Period (PD): AT=Anytime											
Feature: SMH=DMB SMS \$0.00											
Item	Day	Date	Time	To/From	Type	Msg/KB/Mi	Rate Code	Rate Pd	Feature	In/ Out	Total Charge
1	SAT	08/14/2010	4:29PM	206-200-2418	MTM TEXT MESSAGE	1 Msg	MSG4	AT	SMH	In	0.00
2	SAT	08/14/2010	5:24PM	206-200-2418	MTM TEXT MESSAGE	1 Msg	MSG4	AT	SMH	Out	0.00
3	SAT	08/14/2010	5:31PM	206-200-2418	MTM TEXT MESSAGE	1 Msg	MSG4	AT	SMH	Out	0.00
4	SAT	08/14/2010	9:51PM	206-276-4811	Text Message	1 Msg	MSG4	AT	SMH	In	0.00
Subtotal of Msg's						4 Msg					0.00
Totals											0.00

Roaming Data Detail										206-696-1393
User Name: [REDACTED]										
Rate Code: MK12=INTL ROAM PPU GPRS, MSG4=FAMILY MSG UNLIMITED										
Feature: GRM=Market - GPRS International Roaming \$0.0195 per kb, SMH=IMB SMS \$0.00										
Item	Day	Date	Time	To/From	Type	M: g KB/Mi n	Rate Code	Feature	In/ Out	Total Charge
Charges Incurred While Roaming in Central America, ZZ										
1	FRI	07/30/2010	6:20PM	Data Transfer	Data Connect	45 KB	MK12	GRM	Out	0.88
2	FRI	07/30/2010	6:38PM	Data Transfer	Data Connect	28 KB	MK12	GRM	Out	0.55
3	FRI	07/30/2010	6:40PM	Data Transfer	Data Connect	40 KB	MK12	GRM	Out	0.78
4	FRI	07/30/2010	6:42PM	Data Transfer	Data Connect	89 KB	MK12	GRM	Out	1.74
5	FRI	07/30/2010	6:44PM	Data Transfer	Data Connect	11 KB	MK12	GRM	Out	0.21
6	FRI	07/30/2010	6:53PM	Data Transfer	Data Connect	466,989 KB	MK12	GRM	Out	9106.29
Subtotal of KB's						467,202 KB				9,110.45
Totals										9,110.45

Figure D-2 – Bill Shock Detail

At first glance (467,202KB) does not appear to match overage text message in fig. C-4 (456MB) but if you divide by 1024 KB per 1 MB you get there. Could be more user friendly.

APPENDIX D – BILL SHOCK PHONE BILL

Wireless Line Summary For:				206-696-1393
User Name:				
Monthly Service Charges	Period	Prorated Charge	Monthly Charge	Total Charge
Rate Plan				
FT9NTN2100RUMMUNW	08/23-09/22		9.99	9.99
Includes:				
2100 Anytime Mins				
Anytime Min Rollover				
Call Forward Conditional				
Call Forward Immediate				
Call Hold				
Call Waiting				
Caller ID				
Direct Bill Detail				
Family Talk				
Nation GSM				
Three Way Calling				
UNL Nght & Wknd Min				
Unlimited M2M Expnd				
Other Services				
AT&T A-LIST	08/23-09/22		0.00	0.00
AT&T DirectBill	08/23-09/22		0.00	0.00
AT&T Home Toll	08/23-09/22		0.00	0.00
AT&T Roam Toll	08/23-09/22		0.00	0.00
ELA Toll	08/23-09/22		0.00	0.00
EXPANDEDINTLROAM	08/23-09/22		0.00	0.00
GSM Coverage Area	08/23-09/22		0.00	0.00
Int'l Roaming	08/23-09/22		0.00	0.00
Intl Roam Toll	08/23-09/22		0.00	0.00
Includes:				
Toll Domestic				
Toll International				
IntlDialingAllowed	08/23-09/22		0.00	0.00
Off-Network Roam	08/23-09/22		0.00	0.00
StandardILD	08/23-09/22		0.00	0.00
Includes:				
Toll Domestic				
Toll International				
StandardIntlDial	08/23-09/22		0.00	0.00
Unlimited Expd M2M	08/23-09/22		0.00	0.00
Unlimited N&W	08/23-09/22		0.00	0.00
Wireless Data				
FAMILY DATA UNLIMITD	08/23-09/22		10.00	10.00
FAMILY MSG UNLIMITED	08/23-09/22		0.00	0.00
Includes:				
Multimedia Messaging				
Text Messaging				

FIGURE D-3 - Services Provided (page 24 of 79 of Oct 2010 phone bill)

The words “International” and “Data” appear nowhere on the same line above. It is an impenetrable mystery how one is to know whether international data is enabled or not, or what the 8 different kinds of toll really are.